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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,528	01/02/2002	Tony Maynard	16600.105001	6033
20786	7590	08/22/2006	EXAMINER	
KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309			TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2152	
DATE MAILED: 08/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/038,528	MAYNARD ET AL.	
	Examiner	Art Unit	
	Lan-Dai Thi Truong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is response to communications: application, filed 01/02/2002; amendment filed 06/01/2006. Claims 1-27 are pending; claim 17 is amended

2. Applicant's arguments, filed on 02/05/2006, with respect to the rejection(s) of claim(s) rejected under Chandrasckaran, Navarre, Morin, Liu, Dutra, Beck, Ganesh, Lakhani have been fully considered and are not persuasive, please see Examiner's responses to arguments disclosed below for details. However, upon further consideration, a new ground(s) of rejection is made in view of Chen (U.S. 6,836,792) for amended claim 17

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chandrasekaran et al. (U.S. 6,397,352)

Claims 2-3, are rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran in view of Morin et al. (6, 584, 312)

Claims 4-5, 7, 9-11, 15 are rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin in view of Liu et al. (6, 804, 333)

Claim 6 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

Claim 8 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Navarre et al. (6,205,482)

Claim 12 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Beck et al. (5, 903, 723)

Claim 13 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Lakhani et al. (6,721,322)

Claim 14 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Ganesh et al. (6,493,726)

Claim 16 is rejected under 35 U.S.C 103(a) as being un-patentable over Chandrasekaran-Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

4. The rationale of the rejections previously presented in the last Office Action is hereby incorporated in the previous rejections under 35 USC § 102 and 35 USC § 103 for claims 1-16 of the case is retained. Please see the previous rejections sent out on (12/01/2005) for details.

Response to arguments

5. Regarding to applicant's argument with respect to the Chandrasckaran does not disclose configuring message for transmission over a communication network. Examiner respectfully disagrees with applicant. Chandrasckaran discloses method for transmitting messages from a source site to a destination site; therefrom a message is transmitted in form of propagation queue. Although Chandrasckaran does not explicitly disclose configuring a message for transmission over a communication network; however this feature is deemed to be inherent to

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the Chandrasckaran's system to be able to establish communication connection between the source site and the destination site, see (Chandrasckaran: abstract)

6. Regarding to applicant's argument with respect to the Chandrasckaran does not disclose transmitting and receiving messages between a host computer application and distribute computer system application. Examiner respectfully disagrees with Applicant at this point, the Chandrasckaran discloses two-direction communications between "the source site" which is equivalent to "a host computer application/ distribute computer system application" and "the destination site" which is equivalent to "a host computer application/ distribute computer system application", both the source site and destination site can either receive or transmit messages, see (Chandrasckaran: figure 1)

7. Regarding to applicant's argument with respect to the Navarre does not disclose configuring message. The argument is not persuasive, the Navarre discloses method for a gateway is configured to translate a message into destination applicable format, see (Navarre: abstract, lines 1-15; column 2, liens 1-20)

8. Regarding to applicant's argument with respect to the Morin does not disclose configuring messages. The argument is not persuasive, the Morin discloses exchanging capabilities messages between nodes in a network, see (Morin: column 3, lines 43-46; column4, lines 16-25)

9. Regarding to applicant's argument with respect to The Liu does not disclose configuring messages. The argument is not persuasive. Independent 4-5 was rejected under the Chandrasckaran- Morin and Liu. Chandrasckaran and Morin both disclose method for configuring message. Also Liu discloses configuring message such as establishing

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communication session. The configuring message is inherent to the Liu, see (Liu: figure 3A, 4A, 4B, item 424)

10. Regarding to applicant's argument with respect to the Dutra does not disclose suggesting configuring a message for transmission over a communication over a network. The argument is not persuasive. Examiner respectfully reminds Applicant that the purpose for using the Dutra to combine with Chandrasckaran- Morin- Liu to reject element "serial number", in claim 6, which is not disclosed in the Chandrasckaran- Morin- Liu. Furthermore the Chandrasckaran- Morin- Liu already discloses configuring a message as mention above

11. Regarding to applicant's argument with respect to the Beck does not disclose suggesting configuring a message for transmission over a communication over a network. The argument is not persuasive. Examiner respectfully reminds Applicant that the purpose for using the Beck to combine with Chandrasckaran- Morin- Liu to reject element "communication network in a wide area client-server network", in claim 12, which is not disclosed in the Chandrasckaran- Morin- Liu. Furthermore the Chandrasckaran- Morin- Liu already discloses configuring a message as mention above

12. Regarding to applicant's argument with respect to the Ganesh does not disclose converting a message. Examiner respectfully reminds Applicant that the purpose for using the Ganesh to reject element "the message is a send-and-forget message" as disclosed in claim 14.

13. Regarding to applicant's argument with respect to the Lakhani does not disclose configuring messages for delivery to second network. Examiner respectfully reminds Applicant that the purpose for using the Lakhani to combine with Chandrasckaran- Morin- Liu to reject element "the message is a request reply message", in claim 13, which is not disclosed in the

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Chandrasckaran- Morin- Liu. Furthermore the Chandrasckaran- Morin- Liu already discloses configuring a message as mention above

14. Regarding to applicant's argument with respect to there is no motivation to combine Chandrasekaran with Morin. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both the Morin and the Chandrasekaran teach about communications between nodes in a network. Chandrasekaran discloses method for establishing connection session between two nodes in the network, therefrom configuring a message for transmission over a communication network; however this feature is deemed to be inherent to the Chandrasckaran's system. Then Examiner uses the Morin for combining with the Chandrasekaran in order to support more details about configuring message which supports for establishing connection session of the Chandrasekaran.

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. 6,836,792), “Chen”, herein after.

Regarding to claim 17:

Chen discloses a system, which can be implemented in a computer hardware or software code for processing a message between a first application running on a first network element and a second application running on a second network element of a communication network, the method comprising the steps of:

Generating the message in the first network element: (Chen discloses “email is composed” which is equivalent to “generating the message” by “email sender” which is equivalent to “the first network element”: column 1, lines 40-67)

Configuring the message for transmission over the communication network; (column 2, lines 30-40; column 9, lines 5-22: Chen discloses method for converting the email message into appropriate format); configuring the message for delivering to the second network element; (column 2, lines 30-40; column 9, lines 5-22: Chen discloses method for converting the email message into appropriate format); delivering the message to the second network element: (column 2, lines 30-40; column 9, lines 5-22: Chen discloses method for converting the email message into appropriate format and sending the email message to a recipient)

Wherein the step of configuring the message for transmission over the communication network comprises translating the message into a format associated with communication

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network; (column 2, lines 30-40; column 9, lines 5-22: Chen discloses method for converting the email message into appropriate format)

the second application: (recipient computer which is equivalent to the second application: column 1, lines 50-67)

wherein the step of configuring the message for delivery to the second network element comprises translating the message into a format associated with the second application: (column 2, lines 30-40; column 9, lines 5-22: Chen discloses method for converting the email message into appropriate format for recipient computer and sending the email message to a recipient)

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-19, 26-27 are rejected under 35 U.S.C 103(a) as being un-patentable over Chen in view of Morin et al. (6, 584, 312)

Regarding to claims 18-19:

Chen discloses the invention substantially as disclosed in claim 17, but does not explicitly teach the step of configuring the message for transmission over the communication network comprises associating a transmission profile with the message

However, Morin discloses a subscriber profile is associated with each subscriber and the subscriber profile is stored in a database. When subscriber enters a request, the mobile services center compares and matches the subscriber entered request with subscriber's profile to identify the service, see (Morin: column 1, lines 52-67)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Morin's ideas of associating subscriber's request with subscriber's profile with Chen's system in order to identify service based on subscriber register profile, see (Morin: column 1, lines 52-67)

Regarding to claims 27, which is exemplary with claim 26:

Chen -Morin discloses a method as discuss in claim 18, which further includes wherein the transmission profile comprises a service identifier operative to associate the message with a message format to be used to transmit the message over the communication network: (Chen: column 2, lines 30-40; column 9, lines 5-22)

Claims 20-21, 24-25 are rejected under 35 U.S.C 103(a) as being un-patentable over Chen -Morin et al. in view of Liu et al. (6, 804, 333)

Regarding to claims 20-21:

Chen -Morin discloses the invention substantially as disclosed in claim and 19, but does not explicitly disclose wherein the distributed computer program interface comprises a profile manager operative to examine at least one characteristic of the message to determine the transmission profile to be associated with the message

However, Liu discloses a manager manages the messages transmission based on communication profiles have one or more "service identifiers" which is equivalent to

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“characteristic of the message” and one or more interactive response agent identifier associated with the respective user, see (Liu: abstract, lines 3-10)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Liu’s ideas of associating selected request from the user with user profile with Chen -Morin’s system in order to identify service based on the user profile, see (Morin: column 1, lines 52-67)

Regarding to claim 24:

Chen –Morin-Liu discloses a method as discuss in claim 20, which further includes wherein the message characteristic is an application data: (Chen: column 2, lines 30-40; column 9, lines 5-22)

Regarding to claim 25:

Chen -Morin-Liu further discloses a method as discuss in claim 20, which is further includes wherein the message characteristic is a command character: (Liu discloses “service identifier selected by the user” which is equivalent to “command character”: abstract, lines 10-18)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Liu’s ideas of associating selected request from the user with user profile with Chen -Morin’s system in order to identify service based on the user profile, see (Morin: column 1, lines 52-67)

Claims 22-23 are rejected under 35 U.S.C 103(a) as being un-patentable over Chen – Morin-Liu in view of Dutra et al. (U.S. 6,917,979)

Regarding to claims 22-23:

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Chen –Morin-Liu the invention substantially as disclosed in claim 20, but does not explicitly disclose the message characteristic is a record sequence indicator:

However, Dutra discloses “Msg ID” which is equivalent to “sequence indicator”, see (Dutra: Figure 6, item 410)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Dutra’s ideas of using Msg ID is used to indicate order of record message with Chen –Morin-Liu’s system in order to identify the service level, see (Dutra: abstract, lines 10-12)

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusions


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldt, 08/10/2006


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